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13/658,794	10/23/2012	Andrew Ofstad	31730/15293-00	3005

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Marshall, Gerstein & Borun LLP (Google)  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, IL 60606-6357

EXAMINER
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GOOD JOHNSON, MOTILEWA

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ANDREW OFSTAD

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Appeal 2016-006994  
Application 13/658,794<sup>1</sup>  
Technology Center 2600

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Before KRISTEN L. DROESCH, JOYCE CRAIG, and  
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

CRAIG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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<sup>1</sup> According to Appellant, the real party in interest is Google Inc. App. Br. 4.

## INVENTION

Appellant's application relates to displaying textual information related to geolocated images. Abstract. Claim1 is illustrative of the appealed subject matter and reads as follows:

1. A method in a computing device for providing information about geographic locations, the method comprising:

providing, using one or more processors, an interactive three-dimensional (3D) display of geolocated imagery for a geographic area via a user interface of the computing device, including generating a view of the geolocated imagery from a perspective of a notional camera having a particular camera pose, wherein the camera pose is associated with at least position and orientation;

receiving, via the user interface, a selection of a location within the interactive display;

automatically identifying a symbolic location corresponding to the selected location, wherein at least textual information is available for the symbolic location;

automatically and without further input via the user interface, (i) moving the notional camera so as to directly face the selected location, and (ii) providing overlaid textual description of the symbolic location that includes a link to additional information related to the symbolic location.

## REJECTION<sup>2</sup>

Claims 1–20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Meier et al. (US 2011/0276556 A1; published Nov. 10, 2011) (“Meier”), Douris et al. (US 2009/0289955 A1; published Nov.

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<sup>2</sup> Claims 1–20 were also rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner withdrew the rejection in the Answer. Ans. 2.

26, 2009) (“Douris”), Chen et al., Automatic Detection and Recognition of Signs From Natural Scenes, IEEE Transactions on Image Processing, Vol. 13, No. 1, January 2004, pages 87–99 (“Chen”), and Kohli et al. (US 2012/0257814 A1; published Oct. 11, 2012) (“Kohli”).

## ANALYSIS

We have reviewed the Examiner’s rejection in light of Appellant’s contentions that the Examiner has erred. We disagree with Appellant’s contentions. Except as noted below, we adopt as our own: (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner’s Answer in response to Appellant’s Appeal Brief. We concur with the conclusions reached by the Examiner. We highlight the following additional points.

In rejecting claim 1, the Examiner found that Meier teaches or suggests all of the recited limitations, except “identifying a symbolic location corresponding to the selected location, wherein at least textual information is available for the symbolic location,” for which the Examiner relied on Douris, and “automatically and without further input via the user interface, (i) moving the notational camera so as to directly face the selected location” and “(ii) providing overlaid textual description of the symbolic location that includes a link to additional information related to the symbolic location,” for which the Examiner relied on Chen and Kohli. Final Act. 3–6.

Appellant contends the cited portions of Chen and Kohli do not teach the limitation “automatically and without further input via the user interface, (i) moving the notional camera so as to directly face the selected location,” recited in claim 1. App. Br. 15. Appellant argues that Chen does not teach the recited “notional camera” or a location selected within an interactive display. *Id.* at 15–16. Appellant further argues that “Kohli at most describes warping the surfaces in an image rather than automatically moving a camera itself, much less moving a notional camera ‘so as to directly face the selected location.’” *Id.* at 17.

Appellant’s arguments do not persuade us of Examiner error. Appellant attacks the prior art references individually even though the Examiner relied on the combination of Meier, Douris, Chen, and Kohli as teaching or suggesting the disputed features. Final Act. 3–6. *In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012) (citing *In re Keller*, 642 F.2d 413, 425 (CCPA 1981)) (“The test for obviousness is what the combined teachings of the references would have suggested to those having ordinary skill in the art.”). Moreover, the Examiner relied on Kohli, not Chen, as teaching the recited “notional camera.” Final Act. 6 (citing Kohli ¶¶ 32–33); Ans. 5. The Examiner relied on Chen for moving Kohli’s notional camera to directly face the selected location. Ans. 5–6. In addition, the Examiner found that rotation of an image, as taught by Kohli, “is a well-known movement in the art and there[fore] Kohli discloses movement by rotating the image.” *Id.* at 6.

Appellant does not persuasively rebut the Examiner’s findings. In the Reply Brief, Appellant argues “Kohli does not disclose moving the location of the camera.” Reply Br. 2. The plain language of claim 1, however, does

not require “moving the location of the camera,” as Appellant contends, but rather “moving the notional camera so as to directly face the selected location.” *See* App. Br. 23. Appellant presents insufficient objective evidence or persuasive argument to rebut the Examiner’s findings based on the combined teachings of Chen and Kohli or the Examiner’s finding that rotating is a well-known movement in the art and that, therefore, Kohli discloses movement by rotating the image. *See* Ans. 6.

Appellant next contends the Examiner erred in combining Meier and Douris because the combination “would require a change in the principle of operation of the Douris software.” App. Br. 18. In particular, Appellant argues that, by modifying Douris to automatically move the camera so as to directly face the selected location, “the modification impedes the user’s vision and impinges on the user’s ability to drive or walk, defeating the purpose of placing virtual signs in empty spaces in the user’s field of vision.” *Id.* at 19.

Appellant’s argument is not persuasive because, as the Examiner explained (Ans. 2), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *See Keller*, 642 F.2d at 425.

Appellant further contends neither Meier nor Douris, alone or in combination, “discloses automatically identifying a symbolic location *that corresponds* to a location selected within the interactive display.” App. Br. 20. Appellant argues that the physical locations and buildings in Douris

correspond to locations “viewed by a user’s left and right eyes” which are “physical surroundings” rather than locations selected within an interactive display. *Id.*

We are not persuaded the Examiner erred. The Examiner found that Douris teaches the recited symbolic location identification because, in Douris, entities such as businesses, other buildings, or physical landmarks may be identified using pattern recognition software, RFID and/or GPS location. Ans. 4 (citing Douris ¶¶ 36–39). The Examiner concluded it would have been obvious to an artisan of ordinary skill to modify the overlaid search windows for location information taught by Meier with the symbolic location identification taught by Douris to provide overlay information for locations as well as recognized entities. *Id.* at 4–5. In the Reply Brief, rather than rebut the Examiner’s factual findings and conclusion of obviousness, Appellant states only that arguments made in the Appeal Brief “remain unaddressed.” Reply Br. 3.

For these reasons, we are not persuaded that the Examiner erred in finding that the combination of Meier, Douris, Chen, and Kohli teaches or suggests the limitations of claim 1.

Accordingly, we sustain the 35 U.S.C. § 103(a) rejection of independent claim 1, as well as the 35 U.S.C. § 103(a) rejection of independent claims 8 and 14, which Appellant argues are patentable for similar reasons. App. Br. 15. We also sustain the Examiner’s rejection of dependent claims 2–7, 9–13, and 15–20, for which Appellant makes no additional arguments. *Id.* at 21.

DECISION

We affirm the decision of the Examiner rejecting claims 1–20.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED